



United States Senator
Richard Shelby
REPORTS TO ALABAMA



**COMMON SENSE IN GOVERNMENT:
THWARTING "PEANUT-FREE BUFFER ZONES"**

Of the many important priorities in my legislative agenda, none are relevant without one essential component: common sense. It's the factor that the public demands, and rightly so. And, it should be the litmus test for all Federal government actions. Unfortunately, that is not always the case.

Recently, the Department of Transportation issued a ruling which, if implemented, would have required major air carriers to establish what the Department referred to as "peanut free buffer zones" on airplanes for passengers with peanut allergies. According to officials at the Transportation Department, the buffer zone would consist of at minimum, "the passenger's row and the rows immediately in front of and behind his or her row." Essentially, the Department was recommending that the airline move, in many cases, at least nine peanut-consuming passengers in order to accommodate the allergic passenger. But that is not what concerned me most. What concerned me most was that the Department was unable to site one ounce of scientific evidence to support the assertion that "airborne peanut particles" could affect an allergic passenger. Rather, the memo circulated by DOT officials stated that while some "individuals have submitted medical

documentation attesting" to their allergy to peanuts, "none of the medical literature (DOT) have reviewed states that an individual with a severe peanut allergy is known to have experienced reactions to peanuts as a result of contact with very small airborne peanut particles via aircraft ventilation systems."

I have every sympathy for individuals with special needs and/or medical conditions, but to move airlines passengers into peanut friendly and "peanut-free" zones to guard against "airborne peanut particles" is not only failing to use common sense, it is an overreaching response to a problem that there is little if any scientific evidence to substantiate its existence.

This type of bureaucratic response is what makes Americans question the competency of their government. With the logic (or perhaps the lack thereof) used by the Department in this particular instance, would we not have to provide the same buffer zones for people who suffer from allergies to bananas or strawberries, even pecans or chocolate. What about passengers who bring their own snacks with them. Would we have to have those passengers thrown off the airplane? All with little if any scientific evidence to support what I con-

sider a drastic and unnecessary action.

Let me be very clear, I understand and recognize the seriousness certain allergies present to some Americans. While I believe we should do everything we can to protect the traveling public, I believe we must do so with an underlying message of common sense. That is why I included, with the support of my colleagues in the Senate and House, language in the Transportation portion of the Omnibus Appropriations Bill that would stop the Department of Transportation from implementing the "peanut-free buffer zone" ruling in the absence of scientific evidence. Essentially, this new language prohibits the Department of Transportation's use of federal funds for both the creation of "peanut-free buffer zones," and the restriction of distribution of peanuts on air carriers until "90 days after submission to the Congress and the (Transportation Department) Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft."

I believe this is a common sense solution, and one that I believe most Americans would deem reasonable.

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